

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application) PATENT APPLICATION
Inventor(s): Hugh Sharkey and Gary Fanton)
Application No.: 08/696,051)
Filed: August 13, 1996)
Title: IN VIVO FORMED THERMALLY CONTRACTED)
COLLAGEN TISSUE)
_____)

DECLARATION FOR PATENT APPLICATION
(CONTINUATION-IN-PART)

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name; I believe that I am the original, first and sole inventor (if one name is listed below), first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

IN VIVO THERMALLY CONTRACTED COLLAGEN TISSUE

the specification of which (check applicable ones):

_____ is attached hereto;

X was filed with the above-identified "Filed" date and "SC/Serial No."

_____ was amended on (or amended through) _____.

X The present application is a continuation in part of Prior Application, Application Serial No. 08/238,862, filed May 6, 1994, now U.S. Patent 5,458,596, Application No.08/320,304 filed October 11, 1994, now U.S. Patent No. 5,514,130, Application Serial No. 08/389,924, filed February 16, 1995, now U.S. Patent No. 5,569,242, Application Serial No. 08/390,873, filed February 17, 1995 and Application Serial No. 08/637,095, filed April 24, 1996 and may be considered to disclose and claim subject matter in addition to those disclosed in the Prior Applications, and I hereby claim the benefit of 35 U.S.C. Section 120.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above. I acknowledge the duty to disclose information which is material to the examination of the application in accordance with Title 37, Code of Federal Regulations, §1.56, including information which became available between the filing date of the Prior Application and the national or PCT international filing date of the present application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

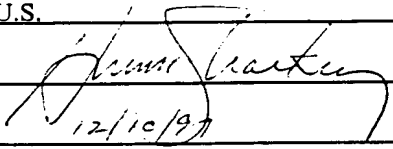
(1) Full name of sole

or first inventor: Hugh Sharkey

(1) Residence: 935 Corriente Pointe Drive, Redwood City, California

(1) Post Office Address: same

(1) Citizenship: U.S.

(1) Inventor's signature: 

(1) Date: 12/10/97

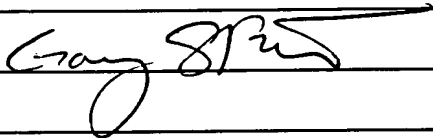
(2) Full name of second

joint inventor: Gary Fanton

(2) Residence: 265 Golden Oak Drive, Portola Valley, California

(2) Post Office Address: same

(2) Citizenship: U.S.A.

(2) Inventor's signature: U.S. 

(2) Date: 12/15/97

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Inventor(s): Hugh Sharkey and Gary Fanton

Application No.: 08/696,051

Filed: August 13, 1996

Title: IN VIVO FORMED THERMALLY CONTRACTED COLLAGEN TISSUE

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(1) Full name of sole
or first inventor: Hugh Sharkey

(1) Residence: 935 Corriente Pointe Drive, Redwood City, California

(1) Post Office Address: same

(1) Citizenship: U.S.

(1) inventor's signature:

(1) Date:

(2) Full name of second

joint inventor: Gary Fanton

(2) Residence: 265 Golden Oak Drive, Portola Valley, California

(2) Post Office Address: same

(2) Citizenship: U.S.

(2) Inventor's signature: 

(2) Date: 10/18/96

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application)	<u>PATENT APPLICATION</u>
Inventor(s): Sharkey, et al.)	
Application No.: 08/696,051)	
Filed: August 13, 1996)	
Title: IN VIVO FORMED THERMALLY CONTRACTED COLLAGEN TISSUE)	

VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS
37 C.F.R. § 1.9(d) AND 1.27(c) - SMALL BUSINESS CONCERN

I hereby declare that I am:

- ☐ The owner of the small business concern identified below.
- ☒ An official of the small business concern empowered to act on behalf of the concern identified below.

Name: Oratec Interventions, Inc.

Address: 3700 Haven Court, Menlo Park, California 94025

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 C.F.R. § 121.12, and reproduced in 37 C.F.R. § 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35 U.S.C. in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third-party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified below with regard to the invention.

entitled: IN VIVO FORMED THERMALLY CONTRACTED COLLAGEN TISSUE

by inventor(s): Hugh Sharkey and Gary Fanton

described in:

<input type="checkbox"/> the Specification filed herewith	
<input checked="" type="checkbox"/> Application No. <u>08/696,051</u>	filed <u>August 13, 1996</u>
<input type="checkbox"/> Patent No. _____	issued _____

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify

as a small business concern under 37 C.F.R. § 1.9(d) or by any concern which would not qualify as a small business concern under 37 C.F.R. § 1.9(d) or a nonprofit organization under 37 C.F.R. § 1.9(e).

NAME: _____

ADDRESS: _____

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

NAME: _____

ADDRESS: _____

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small business entity is no longer appropriate. (37 C.F.R. § 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing: Hugh Sharkey

Title of Person Signing: President / CEO

Address of Person Signing: 3700 Haven Court, Menlo Park, California 94025

Signature: 

Date: 11/5/96

* Note: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 C.F.R. § 1.27).

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

IN RE PATENT APPLICATION OF)	
)	
Sharkey, et al.)	Examiner: Unassigned
)	
Serial No. 08/696,051)	Group Art Unit: Unknown
)	
Filing Date: August 13, 1996)	
)	
Title: IN VIVO FORMED THERMALLY)	
CONTRACTED COLLAGEN)	
TISSUE)	

POWER OF ATTORNEY BY ASSIGNEE
TO EXCLUSION OF INVENTOR UNDER 37 C.F.R. § 3.71
WITH REVOCATION OF PRIOR POWERS

Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Sir:

The undersigned ASSIGNEE of the entire interest in the above-identified application for letters patent hereby appoints Paul Davis, of Wilson Sonsini Goodrich & Rosati, Reg. No. 29,294 and all attorneys of Wilson Sonsini Goodrich & Rosati registered in the Patent and Trademark Office, to prosecute this application and transact all business in the United States Patent and Trademark Office in connection therewith and hereby revokes all prior powers of attorney; said appointment to be to the exclusion of the inventors and the inventors' attorneys in accordance with the provisions of 37 C.F.R. § 3.71.

The following evidentiary documents establish a chain of title from the original owner to the Assignee:

☒ a copy of an Assignment attached hereto, which Assignment has been (or is herewith) forwarded to the Patent and Trademark Office for recording; or

☐ the Assignment recorded on _____ at reel ___, frames ___ - ___.

Pursuant to 37 C.F.R. § 3.73(b) the undersigned Assignee hereby states that evidentiary documents have been reviewed and hereby certifies that, to the best of ASSIGNEE's knowledge and belief, title is in the identified ASSIGNEE.

Direct all telephone calls to Paul Davis, (415) 493-9300

Address all correspondence to:

Paul Davis
WILSON SONSINI GOODRICH & ROSATI
650 Page Mill Road
Palo Alto, California 94304

ASSIGNEE: ORATEC

Name: _____

(Signature)

Name: _____

(Print or Type)

Title: _____

Date: _____

10-18-96